

BOARD OF PUBLIC WORKS & SAFETY
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Mayor Charles Henderson called the meeting to order at 8:35 a.m.

PRESENT: Board members Warren Beville, Mayor Henderson, Kevin Hoover;
Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis,
and Director of Engineering Paul Peoni.

Mr. Beville moved that the minutes of March 23rd be accepted as presented.
Second was by Mr. Hoover. Vote: Ayes.

Gretchen Hunt of 1298 Blue Haven Way – Lot 100 Trails at Woodfield – brought a request to encroach a drainage and utility easement at the rear of her property. She explained that she and her husband purchased that lot to build a home (Davis Homes was the builder). The lot was very level but after the foundation was laid there was a minimum of a 33” drop in the 20’ distance to the back of the property, she added. The Hunts want to terrace near the house to allow drainage through, but lessen the slope. Ms. Hunt told the Board that the “drainage receiver” is before their property, and this encroachment would not change drainage on any neighboring lots. She had letters from five of the utilities and was told by Mr. Meier that he would take care of his letter in-house. Mr. Peoni told the Board that the flow is to the northwest of this property toward the pond. He does not see a reason for concern, although he would caution against encroachment that is further into the easement than indicated (handout in attachments of this meeting). After discussion, Mr. Hoover moved to grant the encroachment request pursuant to the plans and details as submitted, with the understanding that if the City needs access to the easement, responsibility falls on the owner for repairs of these proposed improvements. Second by Mr. Beville. Vote: Ayes.

Sanitation Superintendent Keith Meier discussed a request by Gas America – southwest corner of Smith Valley Road and Morgantown Road – for a Sewer Service Agreement. The sewer would go to the Wakefield Commercial gravity line. Mr. Hoover moved to authorize the preparation by staff of two single-parcel Sewer Service Agreements with terms and conditions as recommended by the City Attorney and authorize the Mayor to sign. Second by Mr. Beville. Vote: Ayes.

Code Enforcement Officer John Myers was next and first discussed a complaint at 1566 Fry Road of an abandoned car beside the house, a flat bed trailer full of trash in the front yard, an abandoned boat in the back yard and trash everywhere. On 1/26 Mr. Myers left a copy of the appropriate ordinance with a business card. Mr. Bonnewell contacted Code Enforcement on 1/27 and informed them he would be cleaning up the property on the weekend and it could be inspected on Monday. Mr. Bonnewell then indicated that the RV was licensed and all vehicles were operable. On 2/03 Code Enforcement found that trash from the front of the garage and on the trailer was removed. The truck on the west side of the house had rolled down the hill. The ground was soft and the truck could not be moved until the ground froze again. Code Enforcement did not go back until 2/20, said Mr. Myers, and found the truck still partially down the hill. Two cars at the front of the garage had expired license plates. Mr. Myers could not see the license plates on the trailers at the back of the property as they were backed in. On 3/01 Mr. Myers sent a certified letter to appear before the Board at this meeting. On 3/15 he learned that a copy of the copy of the certified letter was delivered by David Mertz of the Police Department and was received by the son. On 3/22 the certified letter was returned from the postal service marked “Unclaimed”. Mr. Myers inspected the property. The vehicle on the west side of the property that had rolled down the hill was gone; the trash had been picked up, with the exception of some left down the hill. In front of the house, the Pontiac van in the driveway still has expired license plates, with its hood slightly

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ajar. After discussion and looking at pictures from Code Enforcement, Mr. Hoover moved to find that a nuisance exists at 1566 Fry Road for an apparent inoperable and unlicensed vehicle and trash on the property, allow ten days to remedy the situation, and failing that, to direct the City Attorney to take all steps she deems appropriate to correct the violation and collect all costs against the property owner. Second by Mr. Beville. Vote: Ayes.

The second violation was at 1575 Fry Road. The complainant stated that a tarp over the roof has been there since last summer, used tires are stacked against the back of the house, and the property is a general eyesore. On 2/28 Mr. Myers left a copy of the ordinance with a business card. On 3/01 he sent a certified letter for Mr. Ordo to appear before the Board of Works at this meeting. There was a return receipt. Mr. Ordo has done work on the property. He told Mr. Myers he hopes to sell the van at the front of his property. A non-running Chevy requires work before it can be removed, and Mr. Ordo asked for a two-week extension. Mr. Beville moved to continue the matter for two weeks, until April 20th. Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson asked about an overflowing dumpster at Broadway and the railroad tracks. Mr. Myers has been talking with the City Attorney. He has contacted Mr. Baker, who is supposed to be out today.

Randy Windhorst of Holloway Engineering & Surveying represented the AMB Property Corporation, requesting a waiver to encroach a drainage and utility easement at Precedent South Business Center, Section 3, Block 9, Lot 9B. He had copies of the landscaping plan and told the Board that he had contacted all the utilities. Future parking spaces also would encroach. The drainage pipes shown on the drawing are stubs, indicated Mr. Windhorst. There was discussion on the utility letters. Mr. Peoni needed a copy of the letter from R.E.M.C. as well as a copy of the letter from SBC. Mayor Henderson recommended continuing the matter for two weeks to give staff time to review the plans. Mr. Hoover moved to grant conditional approval to the encroachment request, with the understanding that if the City needs access to the easement, all repairs are the responsibility of the owner, and subject to final review and approval by the Engineering and Law departments to make sure if there are any issues they would bring them back to the next Board meeting. Second by Mr. Beville. Vote: Ayes.

On her Status of Tasks Ms. Koons-Davis discussed Securities and Exchange Commission Rule 15(c)2-12 for the Sewage Works Revenue and Revenue Refunding Bonds of 1997, Series A and B, and Sewage Works Revenue and Revenue Refunding Bonds of 1998, Series C. For all municipal bond issues of \$1,000,000 or more, bond issuers are required by this rule to annually disclose financial information, operating data and material events and circumstances with national and state information repositories. Such disclosure is for the benefit of the issuer's municipal bondholders and it is designed to protect purchasers in the municipal bond marketplace by ensuring that there is sufficient financial information available to make informed investment decisions. A failure to comply with the regulation could result in an enforcement action by the SEC and the Internal Revenue Service. Counsel's memo indicated that the City needs to contract for the accounting services to comply with the SEC Rule 15(c)2-12 on an ongoing basis regarding the Sewage Works Revenue and Refunding Revenue Bonds of 1997 and 1998. H.J. Umbaugh and Associates is willing to perform such services for an annual fee of \$2,000 and has forwarded a proposed Engagement Letter for those services to the Board for consideration. The City Attorney has reviewed it, and although it is not as detailed as the City's usual accounting services contract, the scope of services to be performed is limited and a shorter form agreement is adequate. Mr. Beville moved to approve the

Continuing Disclosure Engagement Letter with H.J. Umbaugh and Associates for accounting services to assist the City in complying with SEC Rule 15(c)2-12 continuing disclosure requirements for the Sewage Works Revenue and Refunding Bonds of 1997 and 1998, as presented by the City Attorney and to authorize the Mayor to sign the Engagement Letter in the Board's behalf. Second by Mr. Hoover. Vote: Ayes.

On his Status of Tasks, Mr. Peoni first presented a request for The Trails at Woodfield, Section 4, to accept performance bonds for on-site and off-site erosion control. The amounts and improvements shown on the bonds are correct. Mr. Hoover moved to:

- 1) Accept performance bond #5019983 from Bond Safeguard Insurance Company in the amount of \$69,174 for the installation of the erosion control at The Trails at Woodfield, Section 4.
- 2) Accept performance bond #5019981 from Bond Safeguard Insurance Company in the amount of \$19,368 for the installation of the offsite erosion control at The Trails at Woodfield, Section 4, all subject to:
 - a) Review and approval of the bond form by the Law Department.

Second by Mr. Beville. Vote: Ayes.

The Trails at Woodfield, Section 5 also had a performance guarantee for their erosion control. Once again, said Mr. Peoni, everything is in order. The City Attorney just needs to review the bond form. Mr. Beville moved to:

- 1) Accept performance bond #5019980 from Bond Safeguard Insurance Company in the amount of \$82,070 for the installation of the erosion control at The Trails at Woodfield, Section 5, subject to:
 - a) Review and approval of the bond form by the Law Department.

Second by Mr. Hoover. Vote: Ayes.

For Homecoming at University Park, Section 7, there was the same request to accept a performance guarantee for erosion control. The amount and improvement shown on the bond is correct. Mr. Hoover moved to:

- 1) Accept performance bond #5019982 from Bond Safeguard Insurance Company in the amount of \$51,103 for the installation of the erosion control at Homecoming at University Park, Section 7, contingent upon:
 - a) Review and approval of the bond form by the Law Department.

Second by Mr. Beville. Vote: Ayes.

Homecoming at University Park, Section 9, also had a request to accept a performance guarantee for erosion control. Again, the amount and improvement shown on the bond is correct and the form needs to be approved by the City Attorney. Mr. Beville moved to:

- 1) Accept performance bond #5019979 from Bond Safeguard Insurance Company in the amount of \$139,271 for the installation of the erosion control at Homecoming at University Park, Section 9, subject to:
 - a) Review and approval of the bond form by the Law Department.

Second by Mr. Hoover. Vote: Ayes.

Inspection & Testing Agreements, both for sanitary sewers and all other improvements, were presented for Precedent South Business Center, Section 1, Block 3. Mr. Peoni confirmed that the agreements are in order. Mr. Hoover moved to:

- 1) Accept the Inspection & Testing Agreement for the sanitary sewers at Precedent South Business Center, Section 1, Block 3 and ratify the acceptance of the 50% upfront fee.
- 2) Accept the Inspection & Testing Agreement for all items except sanitary sewers at Precedent South Business Center, Section 1, Block 3, and ratify the acceptance of the 50% upfront fee.

Second by Mr. Beville. Vote: Ayes.

Mr. Peoni next presented performance guarantees and the Inspection & Testing Agreement (general) for O'Reilly Auto Parts, Summerfield Crossing, Block C, Lot 3. The Inspection & Testing Agreement is in order. The amounts and improvements shown on the performance bonds are correct; the bond form needs to be reviewed by the Law Department. Mr. Beville moved to:

- 1) Accept the Inspection & Testing Agreement for all items except sanitary sewers at O'Reilly Auto Parts, Summerfield Crossing, Block C, Lot 3 and ratify the acceptance of the 50% upfront fee.
- 2) Accept performance bond #104606099 from Travelers Casualty and Surety Company of America in the amount of \$35,121.90 for the installation of the dirtwork and storm sewers at the O'Reilly Auto Parts site at Summerfield Crossing, Block C, Lot 3.
- 3) Accept performance bond #104606100 from Travelers Casualty and Surety Company of America in the amount of \$9,659.63 for the installation of the erosion control at the O'Reilly Auto Parts site at Summerfield Crossing, Block C, Lot 3.
- 4) Accept performance bond #104606096 from Travelers Casualty and Surety Company of America in the amount of \$1,362.90 for the installation of the street improvements at the O'Reilly Auto Parts site at Summerfield Crossing, Block C, Lot 3.
- 5) Accept performance bond #104606101 from Travelers Casualty and Surety Company of America in the amount of \$3,465 for the installation of the sidewalks at the O'Reilly Auto Parts site at Summerfield Crossing, Block C, Lot 3, all contingent upon:
 - a) Review and approval of the bond form by the Law Department.

Second by Mr. Hoover. Vote: Ayes.

Calvert Farms, Section 1 requests acceptance of their Inspection & Testing Agreement for sanitary sewers. Mr. Peoni confirmed that the Agreement is in order. Mr. Hoover moved to:

- 1) Accept the Inspection & Testing Agreement for the sanitary sewers at Calvert Farms, Section 1 and ratify the acceptance of the 50% upfront fee.

Second by Mr. Beville. Vote: Ayes.

There was a similar request for the Kensington Grove Sanitary Sewer Extension for their Inspection & Testing Agreement. This is in order. Mr. Beville moved to:

- 1) Accept the Inspection and Testing Agreement for the sanitary sewers at Kensington Grove Sanitary Sewer Extension and ratify the acceptance of the 50% upfront fee.

Second by Mr. Hoover. Vote: Ayes.

Ms. Myers brought an addendum to the GEMS agreement to the attention of the Board. She had thought that C.I.O. Rick Jones might present this to the Board. This concerns a budgeting module at a cost of roughly \$14,000. Mayor Henderson moved to allow the I-T Department to purchase the software after the Mayor meets with the I-T Director. Second by Mr. Beville. Vote: Ayes.

Mr. Beville moved to accept the claims as presented through April 6th. Second by Mr. Hoover. Vote: Ayes.

With no further business, the meeting adjourned at 9:10 a.m.